

REMARKS

The Office Action mailed January 25, 2007, has been received and the Examiner's comments carefully reviewed. No claims are amended, and no new matter has been added. Favorable reconsideration of this application is requested in view of the following remarks.

Double Patenting

The Office Action maintained the provisional rejection of claims 1-7 under the judicially created doctrine of obviousness-type double patenting as unpatentable over U.S. Patent Application No. 10/871,698. Applicant traverses this rejection. Applicant notes that Application No. 10/871,698 issued on April 10, 2007, as U.S. Patent No. 7,200,929. The claims in the related '698 application that are applied by the Examiner to claims 1-7 of the present application were removed from the '698 application prior to issuance. Applicants therefore respectfully request reconsideration and withdrawal of the provisional double patenting rejection of claims 1-7.

Claim Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Jennison (U.S. Patent No. 6,535,602) in view of Gerke et al. (U.S. Patent No. 6,068,503). The Office Action also rejected claims 5-9, 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Jennison in view of Gerke et al., and further in view of Carlson et al. (U.S. Patent No. RE 37,125). The Office Action further rejected claims 3-4 under 35 U.S.C. § 103(a) as being unpatentable over Jennison in view of Gerke et al., and further in view of Curry et al. (U.S. Patent No. 6,053,764). The Office Action also rejected claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Jennison in view of Gerke et al., and further in view of Carlson et al. and Curry et al. Applicant respectfully traverses these rejections as well.

A. Independent Claims 1 and 8

Applicants note that independent claims 1 and 8 currently require, among other elements, both "a plurality of pairs of termination locations mounted to the front major surface of the back plane, each termination location including a patch cord access device defining electrical contacts

connected to the back plane for electrically connecting to conductors in a patch cord” and “a plurality of interconnect locations mounted to the front major surface of the back plane, each interconnect location defining a card edge socket with normally connected contact pairs connected to the back plane, each contact pair electrically connected in the absence of an interconnect module introduced into the card edge socket.” Applicants note that the combination of Jennison and Gerke et al. cannot render claim 1 obvious, and the combination of Jennison, Gerke et al., and Carlson et al. cannot render claim 8 obvious, because (1) the respective combinations of references fails to disclose each element of the independent claims, and (2) Jennison teaches away from combination with Gerke et al. to electrically connect contact pairs in the absence of an interconnect module.

As an initial matter, Applicants assert that the combination of Jennison and Gerke et al cannot render claims 1 obvious because those two references do not teach or suggest “a plurality of pairs of termination locations mounted to the front major surface of the back plane, each termination location including a patch cord access device defining electrical contacts connected to the back plane for electrically connecting to conductors in a patch cord.” Jennison discloses, as seen in Figure 1 of that patent, a telecommunications wiring device in which a single termination location 2 connects to a plurality of termination locations 4. Jennison does not disclose a plurality of pairs of termination locations, because there is only a single termination location 2 mounted to the backplane. Gerke et al. also does not disclose a plurality of pairs of termination locations mounted to the front major surface of the back plane, in that no back plane exists for termination locations to mount to. Therefore, Applicants assert that the combination of Jennison and Gerke et al. fails to disclose or suggest such an element.

Applicants secondly note that the combination of Jennison with Gerke et al. and Carlson et al. cannot render claim 8 obvious, for at least the same reason as in claim 1. As stated in the preceding paragraph, the combination of Jennison and Gerke et al. fails to disclose or suggest “a plurality of pairs of termination locations mounted to the front major surface of the back plane, each termination location including a patch cord access device defining electrical contacts connected to the back plane for electrically connecting to conductors in a patch cord.” Carlson et al. also does not disclose such an element. Carlson et al. discloses a plurality of circuit modules configured to connect to a motherboard 16. *See, e.g.*, Figure 1 of Carlson et al. However, those

connections to the motherboard 16 do not have corresponding termination locations, and therefore cannot form pairs of termination locations. Therefore, the combination of Jennison with Gerke et al. and Carlson et al. do not disclose each of the elements of claim 8.

Finally, and with respect to both claims 1 and 8, Jennison cannot properly be combined with Gerke et al. because it teaches away from electrically connected contact pairs in the absence of an interconnect module. Specifically, Jennison states that “[a]nother significant feature that the invention provides is convenient isolation of the internal telecommunication network from the service provider network. When no jumper cards are plugged into the edge card connectors, there is a physical break between the internal network and the service provider network.” Jennison, col. 2:22-24; *see also* col. 4:23-25. As is apparent from the quotation, Jennison teaches that one of its benefits is that the contact pair is conveniently disconnected when no jumper is inserted; this is opposite to the configuration of Gerke et al. in which a contact pair is normally connected in the absence of an interconnect module. Jennison therefore cannot be combined with Gerke et al. in an obviousness rejection, because it teaches away from the configuration claimed.

For at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of independent claims 1 and 8.

B. Dependent Claims 2-7 and 9-13

Claims 2-7 depend from claim 1, and inherit all of the limitations therefrom. Claims 9-13 depend from claim 8, and inherit all of the limitations of that claim. Applicants assert that these claims are allowable as well. Specifically, claim 2 is allowable for at least the same reasons as claim 1, above. Claims 5-9, 12 and 13, are not rendered obvious by Jennison in view of Gerke et al. and Carlson et al., for at least the reasons cited above with respect to claims 1 and 8.

Claims 3-4 and claims 10-11 are rejected using an additional reference, Curry et al. Curry et al. fails to disclose or suggest the lacking elements of claims 1 and 8, including “a plurality of pairs of termination locations mounted to the front major surface of the back plane. . .”. Curry et al. furthermore cannot overcome the teaching away of Jennison, with respect to any of the claims as presented, from normally connected contact pairs in the absence of an

interconnect module. Curry et al therefore cannot remedy the deficiencies in the rejections to claims 1 and 8 as described above, and cannot form a proper obviousness rejection with those references with respect to claims 3-4 and 10-11.

For at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejections of dependent claims 2-67 and 9-13 as well.

Conclusion


In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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